



A meeting of the City Council of the City of Charlotte, North Carolina was held in the Council Chamber in the City Hall, on Monday, January 22, 1968, at 2:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by Councilman Gibson L. Smith.

HEARING ON PRELIMINARY PLANS FOR CONVENTION BOULEVARD.

Mayor Brookshire stated the subject of the public hearing is the Convention Boulevard which is a street lying between Brevard and College Streets. That except for the concept of building it and its approximate location, nothing else has been jelled - no decisions have been made up to this point. That they hope the expression received at this hearing may be of guidance in the further studies which will be required before the engineering can commence.

Mr. L. C. Cheek, City Engineer, stated the purpose of the hearing is to acquaint everyone in as much detail as possible ^{with} the idea of the concept and current status of Convention Boulevard. The whole idea came out of a study of the Downtown Master Plan group - the idea of taking the railroad tracks from Bland Street up to Twelfth Street situated between College and Brevard Streets with the initial idea to replace the tracks with a traffic facility. Later a suggestion was made by Southern Railway to allow the development of the structure of a traffic facility that would also permit the retention of at least one and possibly two tracks through the corridor. The corridor is about 8500 feet long, extending from Bland Street across present Independence, Morehead, Stonewall and then through Twelfth Street; that it is a little over a mile and a half.

Mr. Cheek stated this represents only one idea and there are many ways it can be handled. The principal purpose of the whole idea is intended to create a new and more attractive frontage for the properties along this corridor. This concept is in the formative stage; the frontage development and land use is something to be complimentary and should be compatible with the traffic facility that is finally designed and built along this corridor. That the property development plan and facility itself should be developed together.

He stated the Boulevard is an addition to the master transportation plan and its control can be tailored to meet the requirements of the abutting property, and should be tailored to meet the requirements of the development.

The 50-foot reservation for a track in the center of the corridor which has been stipulated and suggested by Southern Railway assures that consideration will be given in the future for rapid transit or mass transit facilities located near the central business district of the city.

He stated the right-of-way status along the corridor is very obscure; the width, the location of the boundary lines and legal ramifications of right-of-way are not clearly determined and the obscurity and uncertainty has to be removed before the development plan can proceed.

That there are two other railroads beside Southern who have some interest in this corridor - the Seaboard Coastlines and Norfolk and Southern are involved to a lesser degree than Southern Railway on the northern end of the corridor. There are probably encroaching structures on the right-of-way about which there may be some questions and whose actual legal status would have to be determined. As far as his knowledge goes, there are no bonafide commitments for development along the front of the corridor.

Mr. Cheek stated they have had very fruitful discussions with Southern Railway over a period of several weeks towards the end of initiating actual engineering studies which will begin to define to an extent the status of the right-of-way along the corridor. They have determined approximately what it will cost to do the engineering studies and also to have the necessary legal title work complete which will probably result in a stipulation or an agreement as to how much right-of-way is actually in use that is owned or controlled by Southern Railway; what its actual interest in this right-of-way is or should be; and just what will be available for the development of the traffic facility.

He stated the firm of Ralph Whitehead and Associates have been conditionally retained to do the engineering work and the law firm of Jones, Hewson and Woolard have been retained to do the title work to compliment the engineering study. That we are awaiting final word from Southern Railway as to the acceptance of the proposition that has been made to share in the cost of the engineering and legal work on a 50-50 or equal basis. They hope to get the go ahead for this work within this week or by the first of next week.

Mr. Cheek stated they have anticipated a traffic facility extending from Bland to Twelfth Streets with separations at the existing Independence, at Morehead, at Stonewall Street and at grade intersection at Second Street, separations at Third, Fourth, and Trade Streets, at grade intersections at Fifth, Sixth, Seventh, Eighth and Ninth; the separation that is already at Eleventh Street and the new Northwest Expressway and then the new Twelfth Street; there is a connecting ramp at Eleventh, Stonewall and at grade intersections that he has noted.

He stated for purpose of estimating the cost, it has been divided into three sections:

First section begins at Bland and extends to Stonewall and Second Street; this is a distance of about 3700 feet and the estimated cost for construction of a basic six lane facility with turning lanes and ramps is a little over \$3 million.

The second section begins at Stonewall and extends over to Sixth Street. There will be some new separation structures at Third, Fourth and Trade, and this is about 2200 feet, and with right-of-way requirements for a six lane facility with turning slots up to about 162 feet in width, the estimated cost is about \$2.4 million.

The third section begins at Sixth Street over to Twelfth and is a distance of about 2500 feet; with rights-of-way going down to as low as 70 feet requirement at the terminal point, the estimated cost is about \$1.2 million for construction.

This is a total estimated cost of roughly \$6,600,000 just for construction with no consideration given to right-of-way or other acquisitions that might be necessary beginning at Bland Street and ending at Twelfth.

Mr. Cheek stated this is only the beginning point; it is only one idea and only one way to do it; that obviously there are other ways that it can be done.

Mr. Herman J. Hoose, Traffic Engineer, pointed out on a sketch the way the intersection will be treated at Bland where you enter the Boulevard. That Bland Street will be widened. This will give access to South Boulevard, Tryon Street, and Mint Street tying Wilmore to Dilworth and will be four lanes up to Stonewall Street - two in each direction - at an intersecting street with two left turns at this point.

He stated there will be an on-ramp from Stonewall Street where six lanes will be constructed - three in each direction - from here to Ninth Street; then two lanes from Ninth to the up-ramp and one where it intersects with Twelfth Street; this would be a "T" type intersection.

That Second Street being one way would be the first point of contact with the Boulevard after Bland and Stonewall Streets; these are grade separated; at Fifth Street there is a point of contact at Sixth Street which is a one-way street; Seventh Street, a two-way street; Eighth Street, a two-way street and Ninth Street a two way street. These intersections will be constructed to have turning slots for left turns where there is a turning movement in particular on one way streets and they will have a separate turning slot to maintain the traffic flow. That some consideration will have to be given to the type of facility in this area from Second to Sixth Street due to the fact that Fifth and Second are the last point of contact for traffic moving from the west to east. This will probably have to be done on some type of a ramp arrangement which they do not have at present; this is one of the unanswered questions. Paralleling this facility will be College and Brevard Streets.

Someone in the audience asked why Third Street will not be handled the same as Fifth and Sixth Streets to make it more accessible to the Downtown area? Mr. Hoose replied that Third and Fourth Streets will be developed as one way streets all the way out to Providence Road and they will have the traffic that will warrant the grade separation at Third Street. That Fourth Street will be separated; that there is a point of contact at Second, if you came in on Fourth Street you could move on College Street down to Fifth Street onto the Boulevard.

Mr. Hoose described several ways to obtain access to the Boulevard from different locations in the city.

Councilman Smith asked if the Boulevard would be signed, and Mr. Hoose replied it would be handled like the Expressways are handled.

Mr. Hoose stated this is only one concept of something to be done in the area.

Mr. W. J. Elvin stated nothing was heard about the railroad track until Southern came along, and he asked why there are two tracks in the center of a nice boulevard and why have 24-hour service on the tracks in view of the beautification that has been talked about; why not just a single track? Mayor Brookshire replied one line is to maintain service to the customers in the southern part of the city. Space for a second line is being reserved, if we should ever go to a rapid transit or mass transit it would be available. In the meantime, the extra land in the median would be used for beautification. That Southern will completely abandon any freight operations within that distance between the two boulevards; that he would imagine spurs could be accommodated but not for general freight purposes.

Mr. John Tate stated over the past ten years he has been particularly interested in the street system and particularly as it relates to getting people to and from the Downtown area, not only from the major highway system but also from the residential areas.

To state some of his views he read the following letter which he sent to the Mayor and members of Council on March 12, 1964:

"I am writing you as a member of the City Council. Attached you will find a map showing Wilbur Smith's street plan for Charlotte, and a map showing the present expressway system of Winston Salem. The Charlotte map to me is a dramatic illustration of current traffic pattern to circumvent the downtown area. The circumference of expressways accomplishes this purpose so well that a Concord resident will be able to reach the Park Road Shopping Center, south of Charlotte easier than Downtown. Similarly a Gastonia resident will be able to go around Charlotte east to the Mall easier than to the Downtown area. I have no objection to routing through traffic around congested areas via the three circle routes, but I vigorously object to the failure of the city to allow adequate access to the heart of the city. In my opinion, this can be done only by dissecting the circles north and south and perhaps east and west. The only answer is a limited access expressway system which will allow fast and uninterrupted movement for cars coming from the major highways or the eastern suburbs to the center of the city. Why can't we run an expressway down the railroad right-of-way parallel the college and tied into 85 north and south?

Now it takes a person from Concord or Gastonia as long to drive from the city limits to the downtown as it does from their home to the Charlotte city limits. If we transport these people, limited access to cut off sections, couldn't we merchandise our downtown stores to attract buyers a hundred miles away whose regular outlets do not inventory in depth. Then the downtown merchants could cater principally to Charlotte and non-Charlotte customers for merchandise not found in shopping facilities in the suburbs of Charlotte nor neighboring towns."

Mr. Tate stated this was as the Master Plan was being created and some of these basic ideas have been adopted. That he feels strongly about tax funds being collected from downtown property owners to subsidize a street program that could improve access to outlying property and no provision for plans to provide adequate access to the heart of the city. That he supports the street widening project under consideration for Third, Fourth, Fifth and Sixth Streets, but this program is like giving a thimble full of water to a man dying of thirst. A major limited access system within two blocks of the heart of Charlotte is best for the need now.

He stated there is still no provision for an expressway tie-in with the suburban eastern part of the section to get all the people into our loop-way system; also this Convention Boulevard plan does not provide adequate ingress and egress from our Expressway system to get directly on it without the Chinese Maze.

Mr. Tate recommended that we start now and get the boulevard built; that its primary function be to serve traffic flow and that it be tied in adequately with the expressway system on both the north and south; and that we start plans on an expressway system of some kind outside on the eastern part of the city to get traffic to and from our loop system.

Mr. Tate stated this is his personal opinion and not that of the Master Plan Committee.

Mr. Scott Cramer stated on behalf of the Central Charlotte Association, he makes the following statement:

"Convention Boulevard was a significant proposal of the joint venture of the Master Plan. We are pleased to see that this particular proposal is moving ahead. It is very fortunate that this meeting is being held at this time, so that any and all necessary changes can be made to the project.

In this light, I want to read one section of the Master Plan which relates to this project. 'It is believed that when appropriate action is taken, the City will be in a position to consider the development of a new boulevard type thoroughfare along A street alignment connecting the inner loop system between Twelfth and Morehead Street. The addition of this new facility will create site and situation characteristics conducive to intensive commercial development of downtown oriented uses of benefits to both the affected property owners and the Charlotte community at large.'

Our thought and study on this matter has not changed in the past sixteen months. We consider and think reason dictates that Convention Boulevard be directly tied in with Northwest Freeway and with the Independence Freeway. Our studies indicate that while the Northwest is in the present stage, the tie in could be made through the utilization of one way paths of Eleventh and Twelfth Streets. The only resulting problem would be access to Convention Boulevard by traffic moving west on the expressway and wishing to get onto A Street. In all probability this traffic could be routed off at an early point onto Twelfth Street, then make a direct connection with A Street or Convention Boulevard.

The second matter is more complex. However, we are afforded the luxury of sufficient time to work out a solution. The Independence freeway is a different type road from the northwest; it is not served by parallel one-way feeders and this dictates that the tie-in must be direct. We see no real problem here since at this meeting we are only concerned with the most preliminary concept as far as A Street is concerned. The present status of this Independence freeway is only to the point where the right of way design is completed and ready for review. It is unfortunate that consideration for an A Street connection was not one given in the freeway right-of-way design. However, there is plenty of time to correct this. Without these direct connections, we would have a major street which

too few can use. Our projections indicate over 28,000 vehicles using the street a day in the next decade. Our recommendation is based on obtaining the maximum values to the public as a whole by the creation of this Boulevard.

This street is vital to the future of our city and it is equally vital that this street perform 100 per cent of its potential and that can only be done if these connections are made. I urge you to establish today this policy that shall be the policy and then get on with the job. With the vast range of talent available, I know that there is a feasible solution which can be found.

Again, we would like to commend the Council for moving ahead on this most important matter."

Mr. Milton Dillard of Norfolk-Southern Railway stated they serve several commercial firms between Sixth and Ninth Streets, and he asked if those firms would have to relocate if they have to have railroad sidings? Mayor Brookshire replied that is one of the many problems that will have to be resolved in the matter, and the City will be glad to talk with Mr. Dillard about these customers and how they might be relocated or served in some manner before the studies go too far.

Mr. Don Denton, President of the Chamber of Commerce, stated its expediency is most important; yet in expediency, he does not think the problems that may be with us in years to come if we do not properly and very carefully designate how this is to serve the entire community of Charlotte and our sister communities outside the city, should be overlooked.

He stated it seems that before final decisions are made that a tie-in to expressways on a direct basis is a most important consideration. That before funds are committed we should be sure that it is something that we can live with in the years to come and that in five years from now we will not regret the plans being made today. That the cost discussed today will probably go much higher than estimated. That we must look at the cost as something that will produce to Charlotte far over and above a benefit and something that we must have.

Mr. H. Seidenman, of Southern Railway Company, stated the Souther Railway Company wants to cooperate in every way it can to insure the success of this project.

Mr. Bruce Roberts, an architect, stated with Convention Boulevard, Tryon Street might well be redundant as far as traffic, and if this is so, then cannot we go back to the early ideas for making Tryon Street into a pedestrian mall allowing the east-west streets to cross and creating a worthwhile pedestrian environment in the center of town presently in the next couple of years rather than in the eight or ten years. Mayor Brookshire asked how much of Tryon Street he is suggesting, and Mr. Roberts replied probably from the City Club to the far side of Iveys.

Mr. Veeder, City Manager, stated whatever is done on Convention Boulevard, it must be planned as a system, using the word so that it cannot be construed simply as a facility for moving traffic - it must be construed as a facility that will provide meaningful contact with the planned development of the Central Business District. This has to be related not only horizontally but laterally to these needs and to the parking requirements. Anything that is done with Convention Boulevard that does not

provide easy access to and from parking facilities would be detracting from the facility. That plus the type of development that has been planned by the Master Plan group and the Southern Railroad's interest, all must be tied together logically into a workable system. The road facility itself is only one of the inputs into that system.

Mr. Cheek stated all the comments are well taken and the ideas will be investigated to the fullest extent; there will be other people involved in these considerations - such as Norfolk-Southern, Southern Railroad and the State Highway Commission.

Mr. George Broaderick, State Highway Commissioner, stated he has been amazed at the daily contact and the cooperation between the State and City; that it has been most cordial and most effective and productive. He stated this will continue. The State Highway Commission is interested in this project as it relates to our project.

TEN MINUTE RECESS CALLED AT 2:50 O'CLOCK P.M.

Mayor Brookshire called a ten minute recess at 2:50 o'clock p.m.

MEETING RECONVENED AT 3:00 O'CLOCK P.M.

Mayor Brookshire called the regular session of the City Council to order at 3:00 o'clock p.m., with all members of Council present.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and unanimously carried, the Council Minutes of January 8th and January 15th were approved as submitted.

PETITION NO. 68-4 BY HARVEY MORRIS FOR CHANGE IN ZONING FROM R-9MF TO I-1 OF PROPERTY ON THE EAST SIDE OF HICKORY GROVE-NEWELL ROAD, FROM NEAR NORFOLK-SOUTHERN RAILROAD TO NEAR HICKORY GROVE ROAD.

Mr. Henry Fisher, Attorney for Mr. Harvey Morris, requested Council to send the subject petition back to the Planning Commission for further consideration with respect to rezoning only three lots - 28, 29 and 30 - to industrial; if they will not recommend this suggestion, then they request that the entire petition as presented be rezoned as B-1.

Upon motion of Councilman Smith, seconded by Councilman Short, and unanimously carried, the request of Mr. Fisher was granted.

Later in the meeting, Councilman Short stated in the information sent to Council by the Planning Commission relative to the subject petition, they referred to conditional business zoning that might be applied in the Hickory Grove area.

Mr. Fred Bryant, Assistant Planning Director, stated the Planning Commission recognized the fact there will be additional need for business uses in this area in the future. They feel the business development should be secured through the conditional approach rather than to rezone the property

for unrestricted business use. The Commission feels that business development in this area would be more properly served in the future by going to a conditional approach where there would be an opportunity to view and appraise the development plan for the property rather than for it to be done as unrestricted business.

Councilman Short stated then they are not leading towards the possibility of a conditional business zoning other than B-1SCD and Mr. Bryant replied no.

SUPERINTENDENT OF INSPECTION DEPARTMENT TO MAKE RECOMMENDATION ON USE OF RAILROAD OVERPASSES FOR PLACING SIGNS OF PUBLIC INTEREST.

Mr. Zeke Ford, President of Grady Sign Company, stated signs which have been put on the Seaboard and Southern overpasses at Fourth and Trade Street and North Tryon Street are no longer permissible under the finer points of the law. That signs used on these overpasses are in the public interest and generally for a non-profit organization, such as the Mecklenburg Fair, Mecklenburg Volunteer Fire Department, Circus, United Appeal, Easter Seals Society, Multiple Sclerosis, Golden Gloves, Southeastern Flower and Garden Show, Sportsman Show, and the World 600. He requested that they be given some leniency.

The City Manager was requested to confer with Mr. Jamison, Superintendent of the Building Inspection Department, and bring a recommendation to Council.

STATEMENT OF MAYOR RELATIVE TO HEARING ON CONVENTION BOULEVARD.

Mayor Brookshire stated with respect to the hearing on the proposed downtown boulevard, that someone in the audience stated there was enough talent and money in the audience this afternoon to build the Boulevard. He stated that City Council agreed in October or November to proceed with all possible haste in the preliminary work necessary and looking towards the construction of this Boulevard. That there is no question but that the City is committed to building it.

Councilman Smith stated he is very impressed with the people who turned out for the hearing and the interest shown, and he is sure that Council is behind the Mayor 100 per cent in his statement.

PETITION NO. 68-3 BY PYRAMID DEVELOPMENT CORPORATION FOR CHANGE IN ZONING FROM R-12 TO R-9 OF A TRACT OF LAND ON THE EAST SIDE OF CAMPBELL CREEK BEGINNING SOUTH OF HICKORY GROVE ROAD AND EXTENDING SOUTHWARD ALONG THE CREEK AND EASTWARD TO WALLACE ROAD, DENIED.

Councilman Whittington moved that the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

ORDINANCE NO. 784-Z AMENDING CHAPTER 23, SECTION 23-8 AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING THE ZONING OF A LOT AT THE SOUTHEASTERLY CORNER OF N. C. HIGHWAY 49 AND MALLARD CREEK CHURCH ROAD.

Motion was made by Councilman Whittington to adopt the subject ordinance changing the zoning from R-12MF to O-15 as recommended by the Planning

Commission. The motion was seconded by Councilman Stegall, and carried by the following vote:

YEAS: Councilmen Whittington, Stegall, Alexander, Jordan, Short and Smith.
NAYS: Councilman Tuttle.

The ordinance is recorded in full in Ordinance Book 15, at Page 197.

ORDINANCE NO. 785-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE ZONING ORDINANCE AMENDING THE ZONING MAP CHANGING THE ZONING OF SIX LOTS ON THE WEST SIDE OF BRADFORD DRIVE, BEGINNING AT NORTH AVENUE AND EXTENDING NORTHWARD 310 FEET.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted changing the zoning from R-6MF to B-1 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 198.

ORDINANCE NO. 786-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE ZONING ORDINANCE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A TRACT OF LAND AT THE SOUTHEAST CORNER OF BEATTIES FORD ROAD AND FAIRDALE DRIVE.

Councilman Jordan moved the adoption of the subject ordinance changing the zoning from R-6 to O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 199.

DECISION ON PETITION NO. 68-8 BY DOROTHY ALEXANDER POTTER FOR A CHANGE IN ZONING FROM R-15MF to B-1 OF A TRACT OF LAND AT THE SOUTHEASTERLY CORNER OF PROVIDENCE ROAD AND SARDIS ROAD, POSTPONED FOR ONE WEEK.

Councilman Tuttle stated he has not had an opportunity to study nor to go out on the ground of the subject petition and he moved decision be postponed for one week. The motion was seconded by Councilman Short, and carried unanimously.

DECISION ON PETITION NO. 68-9 BY FIRST UNION NATIONAL BANK AGENT FOR LOUISE W. DUNAVANT HEIRS, FOR A CHANGE IN ZONING FROM I-1 TO I-2 OF A 35.06 ACRE TRACT OF LAND SOUTH OF SOUTHERN RAILROAD AND BEGINNING 300 FEET EAST OF DONALD ROSS ROAD, DEFERRED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, decision on the subject petition was deferred pending further study by the Planning Commission.

DECISION ON PETITION NO. 68-10 BY JOHN L. CRIST, JR. FOR A CHANGE IN ZONING FROM R-6MFH TO O-6 OF TWO LOTS, ONE AT 210 SOUTH CASWELL ROAD AND ONE AT 311 QUEENS ROAD, DEFERRED.

Motion was made by Councilman Smith to defer decision on the subject petition pending further study by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

DECISION ON PETITION NO. 68-11 BY LONE STAR BUILDERS, INC. FOR A CHANGE IN ZONING FROM R-15 TO R-15MF OF A TRACT OF LAND ON THE EAST SIDE OF QUAIL HOLLOW ROAD, BEGINNING SOUTH OF SHARON ROAD, POSTPONED FOR ONE WEEK.

Councilman Jordan moved that decision on the subject petition be postponed for one week. The motion was seconded by Councilman Stegall.

Councilman Tuttle made a substitute motion to postpone decision until such time as the Court has ruled on the condemnation proceedings of the School Board. The motion did not receive a second, and Councilman Tuttle withdrew the motion.

The vote was taken on the original motion, and carried unanimously.

SANITARY SEWER ENCROACHMENT CONTRACT AUTHORIZED WITH NORTH CAROLINA STATE HIGHWAY COMMISSION.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the Mayor and City Clerk were authorized to execute a sanitary sewer encroachment contract with the North Carolina State Highway Commission in connection with the construction of Briar Creek Outfall in Monroe Road.

RIGHT OF WAY AGREEMENT BETWEEN CITY, SEABOARD COAST LINE RAILROAD AND STATE HIGHWAY COMMISSION FOR INSTALLATION AND OPERATION OF WATER MAIN IN CHESAPEAKE DRIVE.

Councilman Short moved that the Mayor and City Clerk be authorized to execute a right-of-way agreement between the City of Charlotte, the Seaboard Coast Line Railroad Company and the State Highway Commission for the installation and operation of a 12-inch water main in Chesapeake Drive, beginning at a point approximately 1,000 feet north of Lawton Road and extending north for a distance of approximately 1,762 feet to Pneumafil Drive. The motion was seconded by Councilman Jordan, and carried unanimously.

APPRAISAL CONTRACTS AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, approving appraisal contracts, as follows:

- (a) Contract with Alfred E. Smith for appraisal of one parcel of land for the South Boulevard Intersections;
- (b) Contract with Stuart W. Elliott for appraisal of two parcels of land for the South Boulevard Intersections.

NEGOTIATED SETTLEMENT IN CONTRACT WITH NORMAN'S HOUSE DEMOLISHING COMPANY AUTHORIZED.

Councilman Jordan moved approval of a negotiated settlement in the amount of \$3,000 to satisfy an alleged breach of contract in an action entitled "Norman's House Demolishing Company versus City of Charlotte", as recommended by the City Attorney. The motion was seconded by Councilman Stegall.

Councilman Short stated from information presented to Council, it seems clear that the City intended to assure against things carried off by occupants. That he cannot find evidence that it was intended to bind the city to insure that vandals did not operate in this neighborhood. That he is inclined to think this should go ahead at least until we can try a non-suit motion.

Councilman Tuttle asked if the City ever before has been called upon to reimburse a demolition outfit when certain salvage materials have been taken away? Mr. Henry Underhill, Assistant City Attorney, stated the contract reads that all materials, all salvage materials, would be the property of the contractor. Councilman Tuttle stated this means all salvage materials when they get there? Mr. Underhill replied that would be the proper interpretation if it had not been for the remarks made at the December 4, 1961 Council Meeting when the contract was awarded to the effect that the Redevelopment Commission and/or the City would take steps to see that the salvage material that was in the building at the time the contractor went out and inspected it and made the bid would be there for him when demolition time rolled around.

After further discussion, Councilman Short stated this is \$3,000 of the taxpayers money and there is sufficient question that this should be left for the courts to decide and he made a substitute motion that this case go to trial and that the City Council not agree to settling it. The motion was seconded by Councilman Tuttle, and lost by the following vote:

YEAS: Councilmen Short and Tuttle.

NAYS: Councilmen Alexander, Jordan, Smith, Stegall and Whittington.

The vote was taken on the original motion and carried by the following vote:

YEAS: Councilmen Jordan, Stegall, Alexander, Smith and Whittington.

NAYS: Councilmen Short and Tuttle.

CONTRACTS APPROVED WITH SOUTHERN BELL TELEPHONE & TELEGRAPH COMPANY AND DUKE POWER COMPANY FOR INSTALLATION OF UTILITIES UNDERGROUND IN BROOKLYN URBAN RENEWAL AREA, SECTION NO. 1.

Councilman Alexander moved approval of contracts with Southern Bell Telephone and Telegraph Company, and Duke Power Company for the installation of telephone and electric utilities underground in the Brooklyn Urban Renewal Area, Section 1, at an estimated cost of \$48,245 which is available as part of the funding Council makes to the Redevelopment Commission for its 1/3 share. The motion was seconded by Councilman Whittington.

Mr. Vernon Sawyer, Director of the Redevelopment Commission, advised the \$48,245.00 represents the difference between the cost of the normal overhead installations that would be made at their own cost, and putting the service underground.

The vote was taken on the motion and carried unanimously.

REPORT ON THREE BUILDINGS LOCATED OFF INDEPENDENCE BOULEVARD ON LONG BETWEEN MCDOWELL AND LONG STREETS.

Councilman Alexander asked the status of the three buildings off Independence Boulevard on Long Street, between McDowell and Long Streets? Mr. Sawyer, Director of Redevelopment Commission, stated these properties are in condemnation; there was a complication there before the Redevelopment Commission attempted to buy the property that also has to be settled by the Court.

JOHN H. VICKERS NOMINATED FOR FIREMEN'S RELIEF BOARD OF TRUSTEES.

Councilman Whittington nominated Mr. John H. Vickers for a term of two years on the Firemen's Relief Board of Trustees, which nomination will remain open for one week.

PROPERTY TRANSACTIONS AUTHORIZED.

The following property transactions were presented for Council consideration:

- (a) Acquisition of 0.65 acres of land and one dwelling from Bill C. Clifton and wife, Nezzie A. Clifton, 505 Charles Avenue, in the amount of \$7,100.00, in connection with the Thirtieth Street Project;
- (b) Acquisition of 9,510 sq. ft. of land and one dwelling from M. J. Dean and wife, Grace L. Dean, 518 Charles Avenue, in the amount of \$4,850.00, in connection with the Thirtieth Street Project;
- (c) Acquisition of 28,926 sq. ft. of land and one frame improvement from M. J. Dean and wife, Grace L. Dean, 519 Charles Avenue, in the amount of \$7,850.00, in connection with the Thirtieth Street Project;
- (d) Acquisition of 5,038 sq. ft. right-of-way and one dwelling, from Charles B. Rhyne and wife, Rosa Rhyne, 510 North McDowell Street, in the amount of \$16,200.00, in connection with the McDowell Street Widening Project;
- (e) Approval of payment in settlement of Condemnation Suit to NCNB Trustees for Mary Allen Heafner Estate, northeast corner of Eastway Drive and the Plaza Road, in the amount of \$2,700.00, in connection with the Plaza Road Widening Project;
- (f) Acquisition of 1,439 sq. ft. easement from Mitchell and Becker Company, Inc., near intersection of Sharon Road West and Pineville Road, in the amount of \$143.92, in connection with the Kings Branch Sanitary Sewer Project;
- (g) Acquisition of 3,092.55 sq. ft. easement from Hopecrest, Inc., east of Sugar Creek, 31.45 ft. north of Sharon Road West, in the amount of \$412.00, in connection with the Kings Branch Pumping Station Project.

Councilman Whittington referred to Item (e) and stated a resolution of condemnation was approved by Council on September 26, 1966 for \$1,000 and now it is recommended that it be settled for \$2,700.00. Mr. Underhill, Assistant City Attorney, stated he negotiated this settlement after an additional appraisal was obtained after the condemnation went to trial and was much in excess of the negotiated amount.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the property transactions were approved.

INSPECTION DEPARTMENT SUPERINTENDENT AND FIRE CHIEF REQUEST TO MAKE RECOMMENDATIONS RELATING TO HEATING APPARATUS AND FURNACES.

Councilman Whittington stated there was an editorial in the Charlotte Observer last week concerning our building code as related to furnaces and heating apparatus. As a direct result of the faulty heating systems, there have been a lot of deaths in the City.

He stated this should be brought directly to the attention of Mr. Jamison in the Building Inspection Department, and if there is anything wrong with our Code, or an area that our Code could be improved upon as related to heating, electrical and so on where we would be better prepared to prevent this sort of thing happening that has happened in the past.

Councilman Whittington recommended that this be brought to Mr. Jamison's and Chief Walter Black's attention right away. That he would like to know how active the departments are in making inspections of this nature and what can be done to improve the code to prevent this sort of thing in the future.

Councilman Alexander stated most of the fires come from the stove pipe oil circulators and dilapidated unattached oil circulators that sit out in the floor with a can on the back of it; that it would take 1,000 inspectors to inspect every house that has one of those in it.

Councilman Stegall stated the City might ask the people who repair furnaces and stoves when they go into a residence or a business building and they find one that needs to be replaced if they would report to the Inspection Department.

Councilman Alexander stated when you get down to the stove pipe oil heaters and the free standing oil circulators, no one is having a repair man to do anything to them, as they do their own repairs. That he wants to be sure that whoever is working on this will have this in mind because this is where the fire starts.

Councilman Smith stated another thing is the shopping center discount houses that have inadequate exits. That Chief Black brought up the fact one time that he was going to inspect these shopping areas and see about the exit.

Councilman Whittington stated all these points are worthy of attention by the Fire Department and the Inspection Department and the oil dealers, distributors and others. If the City goes into this perhaps it will help in some way.

RECOMMENDATION REQUESTED ON PEDESTRIAN TRAFFIC ACROSS EXPRESSWAYS.

Councilman Whittington stated some time ago he brought up the question of getting pedestrian traffic across the expressways, and he was talking primarily about Eastway Drive. That he is constantly getting request for relief and help, and if we cannot get some way to do this, then he is going to request and make motions for traffic lights at some of these places and he requested that some recommendation be given to Council right away.

January 22, 1968
Minute Book 50 - Page 14

CITY PERSONNEL REQUESTED TO PURSUE THE NEGOTIATIONS WITH SOUTHERN RAILROAD REGARDING CONVENTION BOULEVARD.

Councilman Whittington stated Council should think in terms of another name for the boulevard, whether it be Convention Boulevard, Southern Boulevard or Downtown Boulevard. That he would hope the Mayor and City Manager would instruct the city personnel to pursue the negotiations with Southern Railroad as to Whitehead and the attorney firm listed today and these negotiations.

SUGGESTION RELATIVE TO PRELIMINARY PLANNING FOR CIVIC CENTER AND SUGGESTION OF CONTEST AMONG ARCHITECTS FOR DESIGN OF BUILDING.

Councilman Whittington stated on January 8th, he suggested that Council appoint an architect to think of preliminary planning for a convention center along the site that has been recommended by Mr. Odell, by the Master Plan Committee and by the Southern Railroad. Since that time, he has discussed this plan with a lot of people in the Master Plan, the people downtown and people in general and members of Council. That he has also discussed it with architects. That he does not know that his suggestion has been accepted wholeheartedly because a lot of people may not have understood what he meant and at the time he presented it he did not have a concrete idea of how this could be done. Since then he has found the City of Birmingham held a contest among the architects, not only in the City of Birmingham but from all over the country, who were given an opportunity to present plans and then they set up a committee to study these plans and accept one; and they even had a prize for the best plan designed or presented. He stated in talking to the local architects, it has been suggested that we do the same thing here by calling in the local chapter of AIA and letting them set up a procedure by which this could be done. That these are ideas that might be pursued as far as a convention center or civic center is concerned.

NINE OF TEN POINTS PRESENTED BY COUNCILMAN WHITTINGTON ON JANUARY 8 APPROVED BY COUNCIL.

Councilman Whittington stated on January 8 he presented the following ten points:

1. Complete the widening of the downtown streets this year as named by the City Council in January of 1967;
2. Instruct Whitehead and Associates and our Right-of-Way Departments to get the City in shape to go out for bids and begin work on the 30th Street overpass in the Spring of 1968;
3. As suggested by Mr. Tuttle a month ago, have a public hearing with all the railroads involved, other property owners, the Master Plan Committee, Central Charlotte Association, Task Force, and their attorneys, Planning Commission, Urban Redevelopment, and Mr. George Broaderick to set the record straight, thereby advising everyone what Council expects to do as far as "A" Street and Convention Boulevard are concerned;

Begin immediately following this meeting to pursue a way to acquire the right-of-way for this boulevard. It is conceivable that we should consider now, hiring engineers to design the road and we will approve this contract today with Whitehead and Associates;

4. Everyone speaks of civic and/or a Convention Center being a catalyst, or a spark, to begin rebuilding downtown in the twelve block core area. We, the Council, agree with this statement:

While we are proceeding with the railroads and properties along "A" Street, as far as design and legal work is concerned, I propose that a Committee of Councilmen select an architect to make preliminary plans and specifications for a civic center. This will give Council and the citizens of Charlotte the approximate cost of the facility. We have previously been told of the cost of the land. This seems to me to be a significant step. This action will give us something to "hang our hats on" costwise, and something concrete to approach the citizens of this city with, should a bond election be necessary. I would recommend, too, a program of set backs on the cross streets in the twelve block core area of downtown;

5. We should explore all avenues to obtain federal approval of urban renewal for Greenville and First Ward, and Code enforcement for Belmont-Parkwood Area;
6. Police consolidation should be completed by the time the new police and jail facilities are completed. I would hope the Committee on consolidation would soon be ready to bring the two governing boards together for discussion toward consolidation;
7. We should take our surplus funds now, and begin the purchase of right-of-way on Eastway Drive, so as to expedite the completion of Eastway Drive, so as to expedite the completion of Eastway over Independence Boulevard at the most congested intersection in North Carolina;
8. Decision on the reorganization of our public works;
9. A Manpower or Job Opportunity Committee. I would urge the Council to appoint a Committee to closely ally itself with the Manpower Committee of the Chamber of Commerce, Piedmont Community College, the Bureau of Employment & Apprenticeship Training, and the Mayor's Committee on Human Relations. Their task would be to train the unskilled and eliminate unemployment, to promote jobs and job opportunities, where job opportunities are plentiful, the problem is to get people to work;
10. City Manager Veeder is a very able City Manager, so much so that he, at our direction and request, has been involved about completely for months in Federal Programs. I would hope that these programs now would be turned over to other individuals and Mr. Veeder be more available to administration and to the City Council.

Councilman Whittington moved that the ten points be approved and that the departments and City Manager know that the Council wants these different projects to get under way, and wherever possible, to get completed in the year 1968. The motion was seconded by Councilman Tuttle.

After a general discussion of the different points, the City Manager stated Mr. Whittington is re-emphasizing the Council's interest in getting the streets completed as quickly as possible. Councilman Jordan stated Mr. Whittington is asking for a renewal of the Council's interest in these points that have been made.

Councilman Smith stated he is tired of window dressing on this level and when Council votes for such as ten points, it should be prepared to go from one to ten. That completing the street is alright; that he thought on the 30th Street overpass the State had agreed to go ahead this year on that; the public hearing on the Convention Boulevard is out of date.

Councilman Whittington replied he does not call it window dressing; that he is trying to get what Council has been talking about doing for years back on the table in some sort of project step by step. That the public hearing was held today on the Convention Boulevard; that was dated prior to setting the date and he simply stated that after the hearing Council should pursue all efforts to expedite this project - the hiring of engineers and all the things that need to be done. Today the hearing was held and other suggestions were brought in. That he does not see anything wrong with it; it is a step that can be taken and if all the people involved are aware that Council wants these projects completed in 1968 as can be done financially and physically, then we are accomplishing something.

Councilman Jordan stated he does not think this is a criticism of the City Manager nor any of the Department Heads, and he believes that Mr. Veeder would be one of the first to agree that Urban Renewal, the Model Cities and other programs have taken a lot of his time, and he would prefer not to have as much to do with these.

Councilman Short stated various words have been used but he thinks this is nothing more than a list of reminders to ourselves. This is not an effort to tell the public that anything has been solidified but it is an effort to remind the Council that these are things that Council should see to along with Mr. Veeder.

Councilman Alexander offered an amendment to the motion as submitted to strike point No. 10 referring to the City Manager. Councilman Whittington stated he would withdraw point No. 10.

Councilman Whittington restated the motion to read that the program of work as presented by him on January 8 be adopted and everyone concerned realize that the City Council requests continued action until the programs are completed - that includes Points 1 through 9. The motion was seconded by Councilman Tuttle, and carried unanimously.

CITIZENS SAFETY ASSOCIATION, PARK AND RECREATION COMMISSION, POLICE DEPARTMENT AND LEGAL DEPARTMENT REQUESTED TO MAKE RECOMMENDATIONS ON SLEDDING AREAS IN THE CITY.

Councilman Tuttle stated Dr. Carlton Watkins brought up the question of sledding areas when the conditions are favorable as they were recently during the ice. That it was tabled evidently by the Police Department's remarks. That other towns do this, and he thinks when we have this sort of situation and school is out for four or five days that it would be a lot safer for the children to have a dozen more areas around town roped off and supervised by the Police for safe sledding. Councilman Tuttle requested the City Manager to look at this suggestion.

Councilman Whittington stated he thinks this is an excellent idea. That during the heavy snow he went down Sharon Road by Myers Park Baptist Church and at the curve there was a sign that said "No through traffic", and there must have been 50 or 75 children sledding on a street that was perhaps dead-end. That he went down on Abington Road in Foxcroft and

went up a hill around a curve and three sleds came up - four of them tied together on each one - coming down the hill. If he had been going at an unnormal rate of speed it could have been a very tragic accident. That this is the sort of thing Dr. Watkins is trying to prevent, and with the Parks system, the Police and some of the streets where you do not have through traffic, it looks as though areas could be set up where this could be set up and protect the children.

Councilman Tuttle stated other cities have regular programs such as this and it comes under the Parks and Recreation Commission; they rope off frozen lakes, streams and hills. That it looks like a program that should fall under the jurisdiction of the Police and Parks and Recreation Commission.

Mr. Veeder, City Manager, replied he would bring something back to Council on this; but from personal experience as a child he saw too many of his playmates injured because of closed off streets. That he thinks it poses as many problems as it may tend to answer. That he would suggest proceeding really slow on this; that other than streets, he would suggest open fields and that type area under the jurisdiction of the Parks and Recreation Commission.

Councilman Stegall moved that the Citizens Safety Association, the Parks and Recreation Commission and the Police and Legal Departments study the situation jointly and come back with a recommendation to Council. The motion was seconded by Councilman Tuttle, and carried unanimously.

SUGGESTION OF COMPUTERIZATION OF LAWS OF CHARLOTTE BY SYSTEMS DEVELOPMENT CORPORATION.

Councilman Short stated he has picked up a tidbit out of the Nations Cities Magazine which was interesting in view of the fact that the Council last week employed the Systems Development Corporation of Santa Monica, California. The tidbit was that the laws of the State of Missouri relating to local government have been computerized to aid local officials and legal offices. This was done by the Mayor of one of the towns and students of the Missouri Law School. That he can see where this instant research could be interesting and real helpful. That the City has now budgeted an amount of money for computers and budgeted money for an organization to come in and tell us what can be done with them. Councilman Short stated this organization probably could advise and work out something of this sort for the City of Charlotte.

TRAFFIC ENGINEER REQUESTED TO STUDY REQUEST FOR SIGNALIZATION AND TURNING SLOTS FOR INTERSECTIONS AT BRIAR CREEK ROAD AND COMMONWEALTH AVENUE, AND OTHER MAJOR INTERSECTIONS.

Councilman Short requested the City Manager to arrange with Mr. Hoose, Traffic Engineer, to see what better signalization and what better turning slots can be arranged at the corner of Briar Creek Road and Commonwealth Avenue, and signalization and turning slots be considered at any other applicable intersections and major intersections in this area. That Commonwealth Avenue and Briar Creek Road is now being built up as a solid block of apartments on certain portions. As a result the people are having difficulty in getting out of the streets because someone is turning left ahead of them. That this warrants our reconsidering this area for better traffic control.

He requested that Council receive a public report from Mr. Hoose as soon as possible.

TRAFFIC ENGINEER TO REPORT ON LEFT TURNS AT SUGGESTED INTERSECTIONS.

Councilman Smith stated on left hand turns it seems that some of the intersections are becoming so congested that at peak hours traffic is backed up 25 to 30 cars. He stated he has three places in mind.

- (1) Providence at Third Street.
- (2) Hawthorne Lane and Independence Boulevard
- (3) Morehead Street and Tryon Street.

He stated these are good testing areas, and he requested the City Manager to take it up with the Traffic Engineer.

Councilman Whittington stated that both Morehead Street and South Tryon Street are state roads and he asked if the State could help get the right-of-way to give another lane for turning.

WARNING AND INFORMATION PROGRAM OF POLICE DEPARTMENT ENDORSED BY COUNCIL.

Councilman Stegall moved that Council endorse the Warning and Information Program at the Police Department under the direction of Chief John E. Ingersoll. The motion was seconded by Councilman Whittington.

Councilman Stegall stated this is a monitor that will be installed in any business place that participates in the program and there will be broadcasts three or four times a day on a regular scheduled basis to the merchants.

The vote was taken on the motion and carried unanimously.

CONTEST SUGGESTED TO NAME CONVENTION BOULEVARD.

Councilman Stegall suggested that a contest to name Convention Boulevard might be worked in through the city's bicentennial program.

DISCUSSION OF PLANNING AND COORDINATING PLANS FOR THE DOWNTOWN AREA.

Mr. Veeder, City Manager, stated the possibility of a contest as it relates to the things in the mill for the downtown area in order to look at all kinds of designs and schemes seems to have some merit. That some of the things relating to the downtown have to work on a system; that they cannot be designed and built and considered by themselves as they must be considered in their relationship one to another if it is going to be effective.

As pointed out today in the hearing on the Boulevard this is just "a" concept. There may be some additional concepts from which the community as a whole, and Council in particular, should have a choice. How this can be tied into a contest type of arrangement he does not know, but as mentioned for the civic center, something could apply also as it relates to convention boulevard, perhaps as it relates to a "system" that will serve all these facilities in the planning stage. He stated some of the relationships of these things one to another is being explored.

That recently while in Albany, New York he noticed in the paper that the State was letting a \$97 million contract to build a platform in the downtown area of Albany. That a good portion of the central business had been torn down, and they were building a foundation upon which every structure that

will go into this area will be plugged in; they are building the ground floor and all the utilities underneath to relate to it.

Councilman Smith stated this discussion has brought to his mind that Odell is working on the downtown Plan, Whitehead is doing the engineering, Wilbur Smith is working on the parking, and there is the architect for the convention center and the city engineer, the state engineer and the railroad people. He asked who is coordinating all these groups? Mr. Veeder replied these are some of the questions that deserve attention.

Councilman Tuttle stated that Eric Hill and Associates in the Master Plan concept have been overlooked. Originally the block bounded by Trade, College, Fourth and the railroad was picked for the civic center; then there has been thrown in straddling the railroad; then Eric Hill came along with some preliminary drawings indicating moving 400 feet to the east. That until the Master Plan Committee accepts a concept, he doubts if anything architecturally can be done.

Mayor Brookshire stated he does not think the city government of itself can make all these determinations and that is why he suggested several weeks ago that a group of downtown interested businessmen get together to see what they might develop that would result in coordinated engineering, architectural designs, sales, leases etc so that the whole downtown concept of renewal might be related and in the hands of a group that would have control over it to determine that everything had to mesh.

Councilman Smith stated a coordinator or someone at the top is needed. Councilman Whittington asked if the Master Plan Committee and Downtown Association could be asked to recommend a committee composed of the two bodies to attempt to put these things together? Mr. Veeder replied this may be the proper role for the Master Plan Committee itself.


Councilman Short stated what is needed is an advisor on the project who is constantly watching it in somewhat the same sense as Mr. Carstarphen is watching every detail of the Model Cities Program. Mr. Veeder stated he does not think an individual is needed but to have a broadly based plan that takes all the factors into consideration - an approved type plan that ties in and everyone knows where they plug into that plan.

Mayor Brookshire stated the estimate was placed a year or two ago on the renewal for the downtown center at \$100 million and most of that would have to be money from private enterprise and that is why he thinks some group of business interest is going to have to take this responsibility. In the government plaza there is a long range committee to oversee the development of the plaza and it is set up so that it might run into the next century; but that is government owned property and for that reason is considerably different from the downtown property where land is owned by private enterprise and the development of which will depend upon the initiative and investment of private enterprise. He stated the city had indicated an interest in building the Boulevard and in cooperating with the downtown development, but someone else is going to have to come in and speak authoritatively for the business interest, and take some responsibility for the total planning which he does not think the city can do.

Councilman Whittington stated there have been some ideas brought forth today that have been very fruitful and he thinks will be very helpful.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk